

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

CINDY GARRETT,

v.

MICHAEL J. ASTRUE, Commissioner of Social  
Security.

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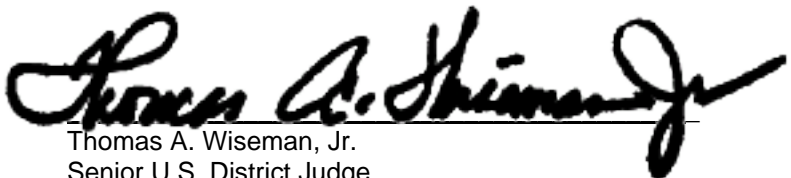
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Before the Court is the Report and Recommendation of Magistrate Judge Griffin, and the objection of the defendant Commissioner thereto. Both the recommendation and the objection are unusual. Both parties filed Motions for Judgment on the Administrative Record. The Administrative Law Judge found disability from and after August 15, 2003, based on a diagnosis of fibromyalgia, among other things. The Magistrate Judge recommended a disability date of March 1, 2002, to which the Commissioner objects. There is no objection to an onset date of August 15, 2003, nor is there an objection from plaintiff to the Magistrate Judge's failure to recommend an even earlier onset date than March 1, 2002. The dispute, therefore, is limited to the seventeen month period in which the ALJ found the plaintiff's complaints of pain from fibromyalgia to be lacking in credibility. The ALJ held, and the Commissioner now insists, that the judgment of plaintiff's treating physicians, one of whom is a rheumatologist, should be discounted as based only on the subjective complaints of plaintiff.

The Court agrees with the recommendation of the Magistrate Judge. If the subjective complaints of fibromyalgia were credible after August 15, 2003, there is strong corroboration of the existence of painful fibromyalgia over the seventeen months prior thereto. The Magistrate Judge's rationale for her recommendation is persuasive.

The objection of the Commissioner is overruled, the recommendation is affirmed as the findings and conclusions of the Court, and the onset date of March 1, 2002 is affirmed. The Plaintiff shall be awarded disability benefits from and after March 1, 2002.

It is so **ORDERED**.

  
Thomas A. Wiseman, Jr.  
Senior U.S. District Judge